



# House of Representatives

General Assembly

**File No. 359**

January Session, 2007

Substitute House Bill No. 5290

*House of Representatives, April 5, 2007*

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING SHELLFISH BUOYS AND COKENOE FLATS IN THE TOWN OF WESTPORT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 26-241 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2007*):

3 (a) All stakes, buoys or other markers placed by any person, except  
4 buoys placed by the state, so as to mark the divisional line, in whole or  
5 in part, between any private and any public or natural oyster, clam or  
6 mussel beds, in any waters of this state, shall have the name or initial  
7 of the owner plainly marked and visible at high water. Any  
8 corporation or person who fails to comply with the provisions of this  
9 section shall have committed an infraction.

10 (b) A buoy marking oyster, clam or mussel beds pursuant to  
11 subsection (a) of this section or section 26-240 shall be constructed with  
12 rigid polystyrene foam or similar buoyant material. Such buoy shall  
13 support a vertical pole extending not less than ten feet above the top of

14 such buoy and shall be tethered by a rope or line to an anchoring  
15 device of sufficient weight to maintain the position of the buoy. The  
16 vertical pole shall not exceed three and one-half inches in diameter at  
17 any point and shall not be constructed of a metallic material. A durable  
18 waterproof flag not less than six inches in height and eight inches in  
19 length shall be affixed to the top of the pole.

20       Sec. 2. (NEW) (*Effective from passage*) Jurisdiction of shellfish  
21 grounds known as Cokenoe Flats in the town of Westport shall be  
22 transferred from the state of Connecticut to the town of Westport and  
23 the Westport Shellfish Commission shall have jurisdiction over  
24 recreational clamming in said shellfish grounds and the ability to issue  
25 recreational clamming permits for the use of said grounds by all state  
26 residents.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	26-241
Sec. 2	<i>from passage</i>	New section

**ENV**       *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Department of Agriculture	GF - None	See Below	See Below
Department of Environmental Protection	GF - None	See Below	See Below

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 08 \$	FY 09 \$
Westport	See Below	See Below	See Below

**Explanation**

Provisions of the bill requiring shellfish buoys to be constructed to have certain specifications are anticipated to have no fiscal impact.

Returning the shellfish grounds known as Cokenoe Flats to the town of Westport from state jurisdiction is estimated to potentially minimally reduce the workload of the state and minimally increase the workload of the Westport Shellfish Commission. Any potential revenue increase to the Commission due to the issuance of permits is anticipated to be minimal.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sHB 5290*****AN ACT CONCERNING SHELLFISH BUOYS AND COKENOE FLATS IN THE TOWN OF WESTPORT.*****SUMMARY:**

This bill requires shellfish buoys to be constructed to certain specifications the bill sets. It also transfers jurisdiction of the Cokenoe Flats shellfish grounds in Westport from the state to Westport, gives the Westport Shellfish Commission jurisdiction over recreational clamming in the shellfish grounds, and allows the commission to issue recreational clamming permits for use of the grounds by all state residents.

EFFECTIVE DATE: July 1, 2007 for shellfish buoys and upon passage concerning Cokenoe Flats' jurisdiction.

**SHELLFISH BUOY REQUIREMENTS**

The bill requires any buoy marking (1) the line between private and public or natural oyster, clam, or mussel (shellfish) beds and (2) an area in town beds for planting or cultivating shellfish to be constructed to meet the certain specifications. It must be constructed with rigid polystyrene foam or similar buoyant material. The buoy must support a vertical pole at least 10 feet high and be tethered by a rope or line to an anchoring device weighing enough to maintain the buoy's position. The buoy must have a durable waterproof flag that is at least six inches tall and eight inches long affixed to the pole's top. This vertical pole cannot (1) exceed 3.5 inches in diameter at any point or (2) be constructed of metallic material.

By law, all stakes, buoys, or other markers anyone places, except state-placed buoys, that mark the divisional line, in whole or in part, between any private and any public or natural oyster, clam, or mussel

beds in any state waters must have the name or initial of the owner plainly marked and visible at high water. Any corporation or person who fails to comply with these requirements, and those under the bill, commits an infraction.

## **BACKGROUND**

### ***Infraction***

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus an additional fee based on the amount of the fine and a \$20 surcharge. An infraction is not a crime; thus, violators do not have criminal records and can pay the fine by mail without making a court appearance.

## **COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea    23    Nay   7    (03/21/2007)